

**ANNEXATION COMMITTEE MEETING
MAY 28, 2015**

President Niksch called the meeting to order at 7:12 PM. The Pledge of Allegiance was recited. Recording Secretary Gena Knapp took Roll Call. Members answering the roll call were Doug Niksch, Richard Kelley, Edgar Corns, and David Shilling. Carol Crause was not in attendance. Also present were Planning Consultant Jim Mandon, Town Council member LeAnn Angerman, and one citizen.

APPROVAL OF MINUTES

Mr. Shilling made a motion to approve the April 30, 2015 regular meeting minutes, seconded by Mr. Kelley and carried with four ayes.

OLD BUSINESS

Discussion on SB330 and effects on Option 6 – Mr. Mandon stated he was not going to go through each point of the summary, but if anyone still had questions he would answer them. Mr. Niksch stated if 65% of the owners or 80% of the assessed value non-tax exempt sign a remonstrance, the municipality then has the right to appeal. Mr. Mandon stated no. If that is the case, the annexation is halted and cannot proceed. Mr. Niksch then asked, “remonstrates may be appealed to a court if a petition for remonstrance is signed by at least 51%.” Mr. Mandon stated that is a challenge by the people in the annexed area. The only thing they can really challenge is if the State law was followed accurately during the annexation process. Mr. Shilling stated that case is only if they do not have the 65% or 80%. Mr. Mandon stated that was correct. This bill has definitely made it more difficult to annex. Mr. Niksch stated the other portion in 330 states that farmland is still exempt. Mr. Mandon stated it is only exempt if the municipality chooses for it to be exempt, which has to be a formal decision by the Town Council. Mr. Niksch stated he went back quite a ways and he could not find where it says the municipality has to approve it. He stated he had taken this issue to the attorney and according to this bill he should be exempt from any municipality tax. The County will still charge them the tax, but then the Town will return that portion of their taxes once it is received. Mr. Mandon stated that is the way Mr. Trulley described the process previous to SB330. Mr. Niksch stated the attorney said that is how it will continue. Discussion followed. Mr. Niksch stated we need to get something in writing regarding the taxes because we have someone in waiting for a friendly annexation. Mr. Shilling asked if the County owns a piece of road with a storm sewer on it, could they turn around and say we need to reimburse them for the installation of the storm sewer in an area we are looking to annex? Mr. Mandon stated that was correct. Mr. Shilling stated that could easily increase the cost of annexations.

Discussion on Right to Farm Packet (Jim Mandon) – Mr. Mandon gave an overview of the Right to Farm Law and stated that it mainly deals with the nuisances of farming and protecting the farmer against municipal ordinances so they are allowed to run operations as they were before being annexed. The basic concept of the ordinance that the Town adopted is to show the Town’s endorsement of the Right to Farm Law that currently sits at the State level. Discussion followed regarding getting packets together for the solicitation of farmland. Mr. Mandon stated the main interest of the group of farmers we met with was to continue to do what they have been doing for years, and that the taxes will not go up. We have tried to answer those two questions during those meetings. The motivation for annexation is that the land will be worth more when it is inside of a municipality and it may already have utilities to it or running next to it. At that point there really is not a negative side to annexation. Another issue that was brought up in those meetings was if

utilities were run to their property, would they need to tie on right away. There are ways that the Council can decide to go around that and not make them hook on until either a well runs dry or fails, or until their septic fails. Mr. Niksch stated he would like all of that information to be included in a packet that could be handed out. Discussion followed regarding soliciting farmland in order to complete the steps in Option 6, and the possibility of tax exemptions for existing businesses that would be annexed in.

Mr. Kelley asked if the Right to Farm Law would protect a farmer who currently has ten pigs, but wants to grow the population to ten thousand. Mr. Mandon stated the Right to Farm Law does not guarantee you that. It protects farmers against stricter ordinances after annexation for the way that they currently operate their farm. Discussion followed regarding the way that parcels should be brought in through annexation due to the new bill.

Mr. Niksch asked what the waiting period was after the second reading of the C&D Landfill. Mr. Corns stated he believed it was either ninety or sixty days. Mr. Niksch asked if anything could happen with the Russel Farm before that waiting period. Mr. Mandon stated you could do everything short of passing the first reading of the ordinance. Mr. Niksch asked if there was a time that the Russel family could pull out. Mr. Mandon stated they have all the way up to the passage of the ordinance to change their minds. There is a lot of work that has to be done before you can get to the reading of the ordinance so you could start that work if you make a recommendation to the Council. If you do that, once the landfill is part of the Town, it will not take as long for the process of annexing the Russel Farm. Mr. Niksch asked if there was a draft for the fiscal plan of the Russel Farm. Mr. Corns stated he believed it was being worked on. Discussion followed regarding surrounding areas that may want to come in friendly and the path that could be taken to get up to where the Illiana is proposed.

Next Steps -

PUBLIC COMMENTS

Brenda Roberts, 15008 Morse Street, stated she was voluntarily annexed in to Cedar Lake in 2008. She stated she fought them for quite a while on the tax issue, and asked the Committee what their response was to the large Cedar Lake annexation that is planned. Mr. Corns stated Cedar Lake would be reading their ordinance June 2nd. The people that are opposing the annexation have hired an attorney from Indianapolis to fight the annexation. Ms. Roberts stated that it seemed the majority of the area they are after is closer to Lowell than Cedar Lake. Mr. Corns stated right now we cannot do anything. Discussion followed. Mr. Niksch stated we are looking at what we can do to move forward, but SB330 has made it harder to annex.

ADJOURNMENT

With no further questions or comments, Mr. Corns made a motion to adjourn the meeting at 8:03 P.M., seconded by Mr. Kelley and carried with four ayes.

Doug Niksch, Chairman

David Shilling, Secretary